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PATENT TRADEMARK OFFICE

Patent  
Case No.: 48317US027#16  
B. Webb  
7/18/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: JAPUNTICH, DANIEL A.  
Application No.: 09/678579 Group Art Unit: 3761  
Filed: October 3, 2000 Examiner: Aaron J. Lewis  
Title: FIBROUS FILTRATION FACE MASK HAVING A NEW  
UNIDIRECTIONAL FLUID VALVE

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(b)

Commissioner for Patents  
Washington, DC 20231

## CERTIFICATE OF TRANSMISSION

To Fax No.: 703-872-9303

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

March 28, 2003

Date

  
Signed by: Susan M. Dacko

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 013089, Frame 0505, on September 17, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Application No. 08/240,877 (referred to as the "Prior Application"), by virtue of the same assignment.

Petitioner disclaims the terminal part of any patent granted on the Subject Application (referred to as a "Subject Patent") that would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as presently shortened by any terminal disclaimer, of the Prior Application. Petitioner hereby agrees that the Subject Patent will be enforceable only for and during such period that the legal title to such patent and the Prior Application are commonly owned. This agreement is to run with the Subject Patent and to be binding upon the grantee, its successors, or assigns.

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USSN: 09/678579

Docket No.: 48317US027

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the Prior Patent, as presently shortened by any terminal disclaimer, in the event such Prior Patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


Documents establishing the chain of title of the Subject Application and of the Prior Application (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Please charge the fee provided in 37 CFR § 1.20(d) and, if necessary, charge any additional fees or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

Respectfully submitted,

March 28, 2003  
Date

By:   
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Office of Intellectual Property Counsel  
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